

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

BRENDA LEE MEDINA ORTIZ

DEBTOR

CASE NO. 15-05488/MCF

CHAPTER 13

**DEBTOR'S MOTION REQUESTING ORDER
RE: RATIFICATION OF THE USE OF FUNDS FROM 2015 AND 2016
TAX REFUND**

TO THE HONORABLE COURT:

NOW COMES, BRENDA LEE MEDINA ORTIZ, Debtor, through the undersigned attorney, and very respectfully states and prays as follows:

1. The Debtor's confirmed Motion for Post-Confirmation Chapter 13 Plan provides that the Debtor's tax refunds will be paid into the Plan. See: *Motion for Post-Confirmation Chapter 13 Plan* Docket No. 34, *Order Confirming Plan*, Docket No. 36, in the above captioned case.

2. The Debtor received the 2015 tax refund (\$107.00) and the 2016 tax refund (\$316.00) for a total amount \$423.00. The Debtor did provide to the Chapter 13 Trustee a copy of the Debtor's 2015 and 2016 tax returns.

3. The Debtor hereby respectfully admits to this Honorable Court that the funds from the aforementioned tax refund were not paid into the Plan. The Debtor used the aforesaid funds to pay for the Debtor's son's medical expenses, however, the Debtor forgot to request prior Court authorization for the use of the funds from above mentioned 2015 and 2016 tax refunds.

4. The Debtor respectfully submits that the failure to pay into the Plan the 2015 and 2016 tax refunds was an honest error not intended to trigger an absence of compliance with the terms of the confirmed Plan, in the above captioned case.

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5. The Debtor respectfully states the 2015 and 2016 tax refunds were used by the Debtor to pay for medical expenses. Attached is evidence of this expense.

6. That considering that the funds received by the Debtor for the 2015 and 2016 tax refunds were used for a "reasonable and necessary expense", its use may be ratified by the Court, not to be used for the confirmed Plan funding. 11 U.S.C. Section 105.

7. Based on the above-stated, the Debtor respectfully requests this Honorable Court to Order the ratification of the use of aforementioned 2015 and 2016 tax refunds, in the above captioned case.

WHEREFORE, the Debtor, through the undersigned attorney respectfully requests that this Honorable Court grant the foregoing motion and allow the use of the funds from the 2015 and 2016 tax refund by the Debtor in the above captioned case.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee; I also certify that a copy of this motion was sent via US Mail to Debtor to her address of record.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 5th day of December, 2019.

/s/Roberto Figueroa Carrasquillo
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